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**Montana Fish,
Wildlife & Parks**

Montana Fish & Wildlife Commission

MINUTES

Montana Fish and Wildlife Commission Meeting

FWP Headquarters
1420 East 6th Avenue; Helena, MT

August 8, 2013

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker, Matthew Tourtlotte
Larry Wetsit, Gary Wolfe

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff.

Guests: August 8, 2013 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. Call to Order - Pledge of Allegiance
2. Approval of Minutes of July 10, 2013 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Vice-Chairman Selection
7. Selection of Organizations to Auction 2014 Moose, Sheep, Goat, Mule Deer and Elk Licenses - Final
8. Harrison Lake Petition
9. Alva Lake, Harpers Lake, and Lake Marshall Administrative Rules - Extension
10. Water Supply Update
11. Proposed Fishing Access Site on Prickly Pear Creek (R4) - Final
12. Amelia Island Fishing Access Site Right-of-Way Easement (R7) - Final
13. Fishing Regulation Changes for 2014 - Proposed
14. 2013 Early Season Migratory Bird Regulations - Final
15. 2013 Late Season Migratory Bird Regulations - Proposed
16. 2013 Bison Quotas - Final
17. 2013 Elk Harvest Prescriptions in Archery Elk Units - Final
18. Partial Assignment of Sourdough Creek Conservation Easement - Endorsement
19. Access Public Land Projects - Endorsement
20. 2013 Furbearer Quota Changes and Trap Setback - Final
21. Elk Management Guidelines in Areas with Brucellosis 2013 Summary and 2014 Work Plan - Proposed
22. 2013 Confederated Salish and Kootenai Tribes Upland Game Bird Regulations - Endorsement
23. Public Comment - For Issues Not On This Agenda

1. Call to Order - Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:32 a.m. and led the Pledge of Allegiance.

2. Approval of the Commission Meeting Minutes of July 10, 2013

Action: Commissioner Stuker and Commissioner Tourtlotte seconded the motion to approve the July 10, 2013 minutes. Motion carried.

3. Approval of Commission Expenses

Action: Commissioner Tourtlotte moved and Chairman Vermillion seconded the motion to approve the Commission expenses. Motion Carried.

4. Commission Reports

Commissioner Wetsit stated he attended a Tip-Mont meeting via video conference; very quiet and wet in his region.

Commissioner Wolfe reported hoot owl restrictions are in place in some areas, good support from Trout Unlimited regarding the restrictions; Stage 1 fire restrictions are impacting some FAS; a lot of media attention on the Confederated Salish and Kootenai Tribes (CSKT) draft environment assessment (EA) for suppression on lake trout in Flathead Lake; public debate on walleye suppression in the Noxon Reservoir; close to naming a regional supervisor in Region 2; Department of Transportation (DOT) has a proposal to increase the night time speed limit on highway 83 from 55mph to 65mph, would like the Department to go on record as supporting the night time speed limit of 55mph.

Chairman Vermillion stated the Commission would be willing to write a letter expressing the Commission's concern on increasing the speed limit.

Commissioner Stuker stated he has had several calls regarding the Milk River; in process of hiring new regional supervisor in Region 6; Commissioners and ranchers are concerned about bison issues, may file a request to the attorney general for his opinion on certain issues; three streams have been closed to fishing.

Commissioner Tourtlotte stated the region has had periodic stream closures; received many calls applauding the Commission on the action it took on the Mariahs River settlement; conversation about the vehicle killed wildlife salvage ARM, has concerns over logistics and public safety issues. Attended a Citizens Advisory Council (CAC) meeting with Director Hagener; different groups were represented, heard their concerns and had good discussions; looked at ways to move forward; key issue was access.

Chairman Vermillion explained it is tourist season; number of closures southwest of Bozeman; grasshopper fishing is dismal because no hoppers; Highway 89 bridge may open early; received many phone calls regarding the walleye suppression in the Noxon Reservoir and the EA on lake trout in Flathead Lake involving CSKT and the Department.

5. Director's Report

Jeff Hagener, Director mentioned the Western Association of Fish and Wildlife Agencies (WAFWA) winter meeting will be held at Corpus Christi, Texas in January; hopes the Commissioners can attend. Attended the WAFWA summer meeting in Omaha; discussions on federal government sequestration and the impact on FWP funding. Discussions on the endangered species act; Fish and Wildlife Service (FWS) is under court order to give a listing status by September 2015 for 256 species; sage grouse is the biggest issue, nine states have been working together to put in place a conservation strategy. Wolverines also being discussed, FWP believe the population is stable; the threat is the prediction to climate change in 30-40 years and no high elevation snow pack. Moving forward with the Sage Grouse Advisory Council, have had several two day meetings, hoping to have a conservation strategy plan in place by early October, put out for public comment and have to the Governor for an executive order in January; Bureau of Land Management is involved and looking at incorporating sage grouse into their resource management plan. Licensing Review Committee first meeting will be held August 13-14. Will be working internally on land acquisition procedures, all properties FWP currently has and how to handle acquisitions in the future.

Chairman Vermillion asked what is happening in the interim on land acquisitions while this review is going on.

Director Hagener stated the Department is moving forward; the Governor has made it clear to be cautious and compare conservation easements versus fee title acquisitions. Preparing a meeting in September to discuss bison management with key stake holders. Have been in positive discussions with CSKT regarding the Department's position on lake trout in Flathead Lake. Involved with the pallid sturgeon issue at Intake Dam; have backup from the Corp of Engineers to take a different look at what is being proposed. The Governor is to make official the Parks and Recreation Board and the first meeting will be held by the end of the month.

6. Vice-Chairman Selection

Action: Commissioner Wetsit moved and Commissioner Wolfe seconded that the Commission appoint Commissioner Stuker as vice-chairman.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Carried.

7. Selection of Organizations to Auction 2014 Moose, Sheep, Goat, Mule Deer and Elk Licenses - Final

Hank Worsech, Licensing Bureau Chief explained ARM Rules 12.3.131 & 12.3.132 establish the criteria and process for selecting conservation organizations to conduct the moose, sheep, goat, mule deer and elk license auctions/lotteries. The Department solicited proposals to conduct the auctions/lotteries and the Commission decides which organization is awarded the license(s) for distribution through auction or lottery. The 2013 species auction licenses were awarded to: Rocky Mountain Elk Foundation (RMEF) – elk and moose; Mule Deer Foundation (MDF) – mule deer; Wild Sheep Foundation (WSF) – bighorn sheep; and Safari Club International Great Falls (SCI-Great Falls) - goat. All licenses were auctioned at fund raising events. A press release and notice on the FWP website for solicitation of interested organizations were completed this year and a letter of solicitation was sent to cooperators who expressed interest.

Jim Weatherly, Executive Wild Sheep Foundation/National Wild Sheep Foundation (WSF) explained the WSF's mission statement states "putting and keeping and sheep on the mountain". The WSF National and chapter level is actively involved in funding disease research primarily with Washington State University. Very active in habitat acquisitions; involved in transplantation and general research. The bighorn sheep auction license is the premier license nationwide. Auction license at the annual convention in Nevada; largest gathering of sheep enthusiast; last year the Montana license sold for \$480,000.

Jared Wold, Regional Director Rocky Mountain Elk Foundation, offering to auction moose and elk tags at the Nationals Final Rodeo in Las Vegas during fan fest in December at the Las Vegas Convention Center. This auction will only contain special permits; 800 people can attend fan fest; advertising will begin this month; will personally contact tag buyers; 100% of sales will go to FWP.

Chairman Vermillion asked if they can hunt anywhere in the state with the license.

Worsech stated yes, the permit holder can hunt anywhere in the state of Montana.

Marshall Johnson, Regional Director Mule Deer Foundation, auction license at the western hunting convention in Salt Lake; the last three years the auction has generation \$60,000 and all money goes to the state. Involved in youth shooting sport activities, donate to 4-H, participate in youth events with other conservation agencies. Will be helping FWP and the Forest Service (FS) with access and easement; funds that have been raised with their license plates, will be dedicated to access projects.

Chairman Vermillion asked if they envisioned working with the Department on the access projects.

Johnson stated yes. He has been in contact with Alan Charles and will be meeting with other individuals as well.

Brad Lencioni, President Safari Club International-Great Falls Chapter (SCI), sells the mountain goat tag locally; last year the tag sold for \$18,000; people come from all over the country to attend the banquet.

Chairman Vermillion stated that SCI retains 10% of the funds and asked what kind of conservation do they do with that money.

Lencioni explained two separate mountain goat transplants have been done and looking at another project; last year put \$20,000 locally into conservation easements.

Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded that the Commission approve the award of the 2014 hunting auction licenses to the following organization for the following species: Rocky Mountain Elk Foundation for elk and moose; Mule Deer Foundation for mule deer; Wild Sheep Foundation for big horn sheep; and Safari Club International-Great Falls for mountain goat.

Chairman Vermillion asked for public comment.

Worsech stated that the money raised goes to the species for which the money was raised.

Action on Motion: Motion Carried.

Director Hagener stated at the WAFWA meeting several states asked if FWP will be transplanting sheep in the near future; need to keep that in mind while moving forward.

8. Harrison Lake Petition

Jim Kropp, Chief of Law Enforcement explained in March of 1987 the Commission proposed wake restriction on all Willow Creek Arm and Norwegian Arm in Harrison Lake as buoyed in response to a complaint pointing out the danger posed to other water users. Responding to public comment, the Commission amended its original proposal establishing a wake restriction from 6 p.m. to 11 a.m. to balance the desire for quiet and the expressed desires of boaters, and address safety concerns by prohibiting high speed boating during the hours when fishing is most popular. On June 11, 2013 the Director's Office received a rulemaking petition related to the no-wake zone on Harrison Lake. The petition contained two options: repeal the wake restrictions on Harrison Lake completely; or amend the wake restriction to 8 p.m. to 8 a.m. Since 1987 Harrison Lake has remained a popular location for both fishing and water skiing, and the potential for conflict between those uses has increased because of greater demand and bigger boats. FWP enforcement officers witnessed this conflict in recent years and have expressed concern about the safety of skiers and other recreationists under the current regulations. If the rulemaking petition is denied, then no further public involvement is required. If the Commission decides to proceed with rulemaking, the proposal will be noticed with the Secretary of State and published; the proposal notice will be posted on the FWP website, legal notices, press releases will be submitted to the media and a public hearing will be scheduled in Bozeman during the week of September 30. Upon completion of the public comment period, the Commission will make a final determination whether to adopt the rule or not.

Sam Sheppard, Region 3 Warden Captain, explained there has been substantial chance regarding the technology and the amount of boats; the only thing that has not changed is the physical narrowness of these areas and the size of the reservoir. The staff's concern is not a question if an accident is going to happen, it's when is it going to happen.

Jonathan Skillman, petitioner, agrees with comments from enforcement, before 11:00 am there is no congestion in that area; fabulous place to ski.

Action: *Commissioner Tourtlotte moved and Commissioner Stuker seconded that the FW Commission deny the petition for rulemaking in the matter of the no wake zone on Harrison Lake in the Willow Creek and Norwegian arms.*

Tourtlotte stated this ARM has been in place for more than 20 years; seems to have reached a balance with testimony; has achieved its goal. Concerned about going forward, the issue bears further consideration on future issues as they arise.

Chairman Vermillion echoed Commission Tourtlotte's statement. Understands the petitioner, but the conditions have become more intense; fair balance between the motorized and the non-motorized. Commends the Department for its efforts.

Action on Motion: *Motion Carried.*

9. Alva Lake, Harpers Lake, and Lake Marshall Administrative Rules – Extension

Jim Kropp, Chief of Law Enforcement explained based on public comment, FWP seeks to extend comment and propose an alternative regulation for Lake Alva in the Clearwater River drainage. At the November 2012 meeting, the Commission approved proposing administrative rule amendments for Lake Alva, Harpers Lake and Marshall Lake. A public hearing was held on June 5, and public comment was received from May 9 through June 14. Public comment supports the original proposal for Harpers Lake and Marshall Lake. For Lake Alva, 55 percent support and 35 percent disapprove of the no-wake proposal; 10 percent favored more restrictive regulations than no-wake. Substantive comments were given for and against the proposal. A large number of people will be affected. Allowing public comment on an alternative regulation may mitigate the impact on users affected by the no-wake proposal and preserve the intended benefit. If recommendation is approved, FWP would start a two-week public comment period on the alternative regulation for Lake Alva.

- **Lake Alva**
Original Proposal: No-wake rule. Current rule requires watercraft to pull water skiers in a counterclockwise direction. Alva has no private in-holdings with docks and boats, but it has a public boat ramp. Current boating use is a mix of motorized and non-motorized watercraft. People have expressed concern that motorboat use is increasing on this lake and degrading the recreation experience for those seeking a quieter, slower-paced experience. There is also a concern about potential impacts on nesting loons. A no-wake rule would help to address these concerns. Lake Alva is 300 acres in size.
Alternative Regulation: Wake allowed from August 1 through Labor Day. This would partition the summer boating season into wake and no-wake periods to reduce conflict. No-wake through July 31 would benefit loon nesting and rearing.
- **Harpers Lake**
Proposal: Manually operated or electric motors only. The lake is currently closed to any motor-propelled watercraft. This change would maintain the nature of boating use on the lake but make it easier for anglers to gain access to trout. This proposal was supported but process requires final action at the same time as Lake Alva.
- **Marshall Lake**
Proposal: Manually operated or electric motors only. The lake is within the Marshall Creek Wildlife Management Area (WMA). This rule is consistent with WMA management objectives and current use of the lake. Process requires that final action at the same time as Lake Alva.

Patrica Bouta, Seeley Lake, stated there are other lakes to ski on; no wake would be a better experience for paddlers; a lot of people would come to the campground if they knew there was a no-wake lake; for original proposal. Asked about rule process.

Becky Dockter, Chief Legal Counsel explained the original proposal is still on the table, the two week extension will continue to take public comment; another alternative is offered and will public comment will be sought if approved.

Jim Streeter, Missoula, recommends passing the original proposal.

Action: *Commissioner Tourtlotte moved and Commissioner Vermillion seconded to make the original proposal a no-wake rule for Alva Lake and not to extend the public comment for two weeks and to allow electric motors only on Harpers Lake and Marshall Lake.*

Brad Elison, Helena, supports alternative proposal.

Commissioner Wolfe asked what the downside of extending the public comment two weeks; quite a few folks in that area have concerns about the original proposal. Interested in finding out if the alternative would have a broader base of support.

Asked if the rule as proposed is approved today, when would it go into effect?

Kropp stated it would take effect in the spring.

Commissioner Wolfe stated if it was extended it wouldn't have any effect on the boating this season.

Kropp stated that is correct.

Commissioner Wolfe stated he is concerned about the impact on the nesting loons and asked if the alternative proposal provides the appropriate respite for the nesting loons.

Kropp explained both proposals anecdotally should favor the loon nesting in late spring.

Commissioner Tourtlotte withdrew his motion regarding Alva Lake.

Action: *Commissioner Wolfe moved and Commissioner Stuker seconded that the Commission extend the comment period and propose an alternative regulation for Alva Lake.*

Action on Motion: *Motion Carried.*

Chairman Vermillion asked if there was a way to look at all lakes as a whole and figure where these issues are and how to go about managing motorized.

Kropp explained within the Montana Administrative Procedures Act any individual or group can bring a petition to the Commission.

10. Water Supply Update

Bruce Rich, Fisheries Administrator stated the southwest corner of the state is in a strong drought situation; 10 fishing restrictions in place with no suggestions when they will be repealed.

11. Proposed Fishing Access Site on Prickly Pear Creek (R4) – Final

Bruce Rich, Fisheries Administrator explained on November 8, 2012, the FWP Commission endorsed FWP's request to pursue the Prickly Pear Land Trust's (PPLT) offer to donate a 36-acre parcel of land to FWP for the purpose of providing fishing access to Prickly Pear Creek near Helena. The parcel consists primarily of riparian habitat along Prickly Pear Creek and includes a .3 mile section of a small spring creek that merges with Prickly Pear Creek. PPLT recently acquired the parcel as a part of a larger land transaction involving a 266-acre farm. PPLT sold the remainder of the 231 acres parcel that is protected by a conservation easement to an independent buyer for use as agricultural land. Prickly Pear Creek has a high quality seasonal fishery and a resident fishery that have benefitted from recent improvements in flow regimes. FWP prepared an environmental assessment (EA) and solicited public comment. Ten comments were received during the public comment period; no comments voiced opposition to the proposed acquisition of the parcel; two respondents raised issues that were not addressed in the EA; one person noted there is an apiary on an adjoining parcel of land, FWP consulted two beekeepers and concluded that the situation was not inherently dangerous and FWP will place signing in the area to advise the public of the apiary and suggest avoiding the immediate area. Another person questioned the compatibility of using the parcel as a Fishing Access Site (FAS) while a neighbor sprayed raw sewage on this property. FWP noted that no raw sewage will be applied to the FAS and that any such practices on adjacent lands are subject to Department of Environmental Quality (DEQ) regulations, including significant setbacks from the property boundaries. Recognized the facilitators of the PPLT, Andy Baur and Andrea Silverman.

Action: *Commissioner Wolfe moved and Commissioner Stuker seconded that the Commission approve the Department's request to accept the Prickly Pear Land Trust's donation of 36-acres for the purpose of providing fishing access to Prickly Pear Creek.*

Chairman Vermillion asked for public comment.

Chairman Vermillion thanked PPLT for working with the Department and donating this land.

Action on Motion: *Motion Carried.*

12. Amelia Island Fishing Access Site Right-of-Way Easement (R7) – Final

Bruce Rich, Fisheries Administrator explained on August 30, 2012 the FWP Commission endorsed FWP's request to pursue a perpetual right-of-way easement with the Department of Natural Resources and Conservation (DNRC) that would provide access to the Yellowstone River from the Amelia Island (FAS); a 4.8 acre site acquired in 2008 and is separated from the river by a 1.8 acre island owned by DNRC. The DNRC and the Montana Board of Land Commissioners have approved a perpetual right-of-way easement at a one-time cost of \$1,800. FWP prepared an EA and solicited public comment; eight comments were in support of the easement. The site is an important location for public access on the Yellowstone River, with the closest FAS located seven miles upstream and 20 miles downstream.

Action: *Commissioner Tourtlotte moved and Commissioner Wolfe seconded that the Commission approve acquisition of a perpetual right-of-way easement with the DNRC at the Amelia Island Fishing Access Site on the Yellowstone River.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion Carried.*

13. Fishing Regulation Changes for 2014 – Proposed

Don Skaar, Fishers Management Bureau Chief explained the FW Commission has authority to make changes to FWP fishing regulations; the process for reviewing and amending fishing regulations is based on a four-year cycle. The first year of each cycle is dedicated to actively soliciting ideas for changes from the public. During the following three years of the off-cycle, ideas are only solicited internally from FWP biologists, fish managers and enforcement personnel. Regulation changes are proposed to the Commission during off-cycle years only if they meet certain criteria: achieve enforcement needs, provide clarification, are important for species conservation, are removing regulations no longer relevant, or fulfill direction provided in management plans. 2014 is an off-cycle year; the next year with full public involvement will be 2016. FWP will conduct a 30-day public comment period for the regulation changes and will prepare recommendations for final regulation changes and present these to the Commission in October.

Western District

Little Bitterroot Lake: remove the bag limit for bass.

- Salmon: 20 daily and 40 in possession, no more than 2 daily and 4 in possession over 12 inches.
- Bass: No Limit.

Rationale: Little Bitterroot Lake is a wild brood source for kokanee spawntaking to stock 26 other lakes. It is also a backup to the primary kokanee brood lake, Lake Mary Ronan, which has been impacted by illegal yellow perch. Little Bitterroot Lake is also a very popular kokanee fishery producing more than 10,000 days of fishing annually. Illegal largemouth bass were reported in 2006, with illegal smallmouth bass being first reported in 2008. Bass are expected to predate on young and adult kokanee when they cruise the shoreline in spring and adult shoreline spawning kokanee in fall. A No Limit regulation on bass will utilize anglers to help suppress bass while protecting the kokanee. The No Limit proposal will also serve as a disincentive to those who conduct illegal stocking activities by eliminating or reducing sustained sport fishing opportunity.

North Fork Flathead River: provide for the harvest of hybrid rainbow/cutthroat trout.

- Closed to angling June 1 through September 30 within a 150-yard radius of the Big Creek stream mouth unless posted at a greater distance.
- Extended season for whitefish and catch-and-release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.
- Catch-and-release for cutthroat trout.
- Combined Trout: 5 daily and in possession.

Mouth of Big Creek to Blankenship Bridge (This is an experimental regulation for the 2014 fishing season only).

- Combined Trout: 5 daily and in possession. Limit includes rainbow and rainbow/cutthroat hybrid trout, defined for the purposes of this temporary regulation as any trout (even those with an orange slash under the jaw) with as many or more spots in the front half of its body as the back half, based on a vertical line drawn through the middle of the dorsal fin to divide the fish into halves.

Rationale: Hybridization of westslope cutthroat trout has increased dramatically in the North Fork Flathead in the last few decades, threatening the genetic status of that population. In response, FWP has enacted a targeted suppression project aimed at removing rainbows and hybrids entering select spawning streams in the lower North Fork. The North Fork is a popular fishery with a liberalized rainbow harvest limit (5, any size), meaning that anglers could help by harvesting hybrids. However, the current cutthroat definition (orange slash under the jaw) prevents harvest of even obvious rainbow x cutthroat hybrids. Because of close lineage, up to 25% of pure Arlee rainbow trout show a faint orange slash. Applying this standard to photographs of known pure and hybrid cutthroat and rainbow trout shows the definition is conservative, meaning that many hybrid trout will be released while protecting pure cutthroat. This proposed regulation would be a change from the common definition of cutthroat, and would require some posting of the area with pictures explaining the new definition. If adopted, this would be a one-year temporary regulation which would be monitored through creel surveys for angler compliance at Glacier Rim Access (midway point) and Blankenship Access (end of section). The purpose of the creel surveys would be to measure angler compliance and comprehension and impacts on westslope cutthroat trout through unwarranted harvest.

Chairman Vermillion stated on the upper Yellowstone, if a hybrid Yellowstone cutthroat/rainbow trout is harvested, a citation will be issued. If this regulation passes, there will be two different policies; strong inconsistency.

Skaar explained that is the reason for the one year experimental regulation; to be restricted to this area only; educational materials will be posted at the access sites.

Chairman Vermillion, Rich and Skaar had a brief discussion on the description of different hybrids.

Silver Lake

- Closed to fishing July 1 through September 30 within a 100 yard radius of the mouth of Storm Lake Creek.

Rationale: Since 2010, FWP staff have been actively sampling and moving adult bull trout (10-20 each year) over the Silver Lake Diversion on Storm Lake Creek in an effort to boost bull trout numbers, which are critically low. This regulation would help to protect bull trout that use Storm Lake Creek to spawn. Currently, bull trout residing in Silver Lake start to congregate near the mouth of this stream by mid July. On a number of occasions we have found evidence of angling and snagging tackle in the area. Bull trout are listed as Threatened under the Endangered Species Act, and it is illegal to intentionally fish for them anywhere in the Clark Fork River drainage. Closing this area to angling would be an added measure to protect these fish from illegal harvest.

Storm Lake Creek

- Closed to fishing July 1 through September 30 from the Silver Lake diversion structure located near the stream mouth down to where the stream enters Silver Lake.

Rationale: Since 2010, FWP staff have been actively sampling and moving adult bull trout (10-20 each year) over the Silver Lake Diversion on Storm Lake Creek in an effort to boost bull trout numbers, which are critically low. This regulation would help to protect bull trout that use Storm Lake Creek to spawn. Currently, bull trout residing in Silver Lake start to congregate at the base of the diversion structure by late July. On several occasions, anglers have been encountered fishing at or near the diversion, even though bull trout tend to be the only species present at that time. Bull trout are listed as Threatened under the Endangered Species Act, and it is illegal to intentionally fish for them anywhere in the Clark Fork River drainage. Closing this area to angling would be an added measure to protect these fish from illegal harvest.

Warm Springs Creek

- Open entire year on Warm Springs Wildlife Management Area (WMA). See Warm Springs WMA for additional regulations.
- Open from third Saturday in May through November 30 outside the Warm Springs WMA.
- Extended season downstream of Myers Dam: catch-and-release for trout December 1 to third Saturday in May with artificial lures only.
- Closed to fishing July 1 through September 30 from Myers Dam downstream 50 yards.

Rationale: This regulation would help to protect bull trout that are attempting to migrate to upper Warm Springs Creek to spawn. Currently, Myers Dam is a barrier to upstream movement, and bull trout residing below the dam begin to congregate at its base in late July. On several occasions, anglers have been encountered fishing at the diversion during this time period. While brown trout are the dominant species in the stream at this location, the potential exists for the illegal harvest or unintentional mortality of bull trout. Bull trout are listed as Threatened under the Endangered Species Act, and it is illegal to intentionally fish for them anywhere in the Clark Fork River drainage. Closing this area to angling during the critical time when bull trout are more likely to be present would be an added measure to protect these fish.

Action: *Commissioner Wolfe moved and Commissioner Wetsit seconded that the Commission propose the recommended changes to the 2014 Western District fishing regulations and instruct FWP to solicit comments from the public.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion Carried.*

Central District**Big Spring Creek**

- Entire Creek: Open entire year
- Remove: Upstream of the US Highway 191 bridge, including East Fork Big Spring Creek downstream from the Reservoir
- Remove: Catch-and-release only for all fish species. Fish consumption advisory in effect for this section of river.

Rationale: The current catch-and-release regulation on fish above US Highway 191 bridge was enacted in 2003 due to contamination of trout muscle tissue with PCBs and concern over the human health risk posed by that contamination. Concentrations of PCBs were above the do not eat level issued by the USEPA and Montana Department of Public Health and Human Services (DPHHS). Subsequent to the cleanup of PCBs from the Big Spring Creek Fish Hatchery in 2005 and the portion of the creek with the highest levels of PCBs in 2011 and 2012, trout are now carrying much lower levels of PCBs. Since 2010, brown trout (which contain higher levels of PCBs than rainbow trout) have averaged only 0.28 ug/g PCBs in the most contaminated portion of the creek above Highway 191. Fish in the Upper Creek no longer need a do not eat advisory and a catch-and-release fishing regulation to enforce the advisory. Without the catch-and-release regulation, the District standard Combined Trout regulation of five daily and in possession, only one over 18 inches will apply. Fish still carry low levels of PCBs, and the Fish Consumption Advisory will advise anglers to consume no more than one meal/month above Highway 191 and four meals/month below Highway 191. Removal of the catch-and-release regulation is not expected to lead to levels of harvest that will result in a measurable change in trout populations. In surveys conducted in 1996 and 2003, less than five percent and three percent of the trout caught were harvested, respectively. This negligible level of harvest suggests that angling probably plays a small role in the regulation of populations in the creek, where natural annual mortality may be around 30%. There is nothing to suggest the influence of harvest in the comparison of population densities in a long term monitoring section downstream where the District standard Combined Trout regulation has been in effect which have averaged one-third to two-thirds higher than the two upstream catch-and-release sections. This may be due to better habitat in the lower section, but strongly suggests that harvest is not significantly influencing populations.

Canyon Ferry Reservoir

- Catch-and-release for brown trout, except anglers 14 years of age and younger may take 1 brown trout daily and in possession any size.
- Yellow perch: 10 daily and in possession.
- Walleye: 12 daily, only 1 over 25 inches. Possession limit is twice the daily limit.
- Northern pike: No limit
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice.

Rationale: Yellow perch are both an important forage species and also a significant component of the winter fishery on Canyon Ferry Reservoir. Yellow perch abundance is currently below management triggers as outlined in the Upper Missouri River Reservoirs Fisheries Management Plan. Dropping the daily bag limit from 15 to 10 fish daily would reduce the impacts of angler harvest to the yellow perch population. Creel data suggests that it could reduce perch harvest approximately 30%. This regulation change alone would likely do little to improve overall perch abundance, but will be enhanced when implemented in conjunction with higher walleye bag limits, as predation by walleye is a greater limiting factor to yellow perch production than angler harvest. Relative abundance of walleye has

Hauser Reservoir - Including Canyon Ferry Dam tailwater and Lake Helena

- Combined Trout and Salmon: 5 trout and salmon daily and in combination and 10 trout and salmon in possession in any combination.
- Walleye: 20 daily, only 1 over 25 inches. Possession limit is twice the daily limit.
- Yellow perch: 10 daily and in possession, except from April 1 through June 30, only 1 fish daily and in possession, 14 inch minimum.
- Northern pike: No limit.
- Catch-and-release for brown trout, except anglers 14 years of age and younger may take 1 brown trout daily and in possession, any size.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

Rationale: Yellow perch are both an important forage species and also provide an additional component to the sport fishery of Hauser Reservoir. Yellow perch abundance is currently below management triggers as outlined in the Upper Missouri River Reservoirs Fisheries Management Plan. Dropping the daily bag limit from 25 to 10 fish daily would reduce the impacts of angler harvest to the yellow perch population. There is also a period of relatively high yellow perch harvest in the spring on Lake Helena, and implementing a seasonal length restriction from April 1 to June 30 would preserve this spawning stock of perch. The length limit change for walleye (28 to 25 inches) is proposed to maintain consistency in length limit regulations within the reservoir system. In addition, there is a period of high walleye harvest on Lake Helena (part of Hauser Reservoir) in the spring, and this regulation could place additional protection to trophy sized fish during that period.

Holter Reservoir - Up to American Bar Gulch (approx. 4.6 miles downstream from Hauser Dam)

- Catch-and-release for brown trout, except anglers 14 years of age and younger may take 1 brown trout daily and in possession, any size.
- Combined Trout and Salmon: 5 rainbow trout and salmon daily in any combination and 10 rainbow trout and salmon in possession in any combination.
- Yellow perch: 25 daily and no possession limit.
- Walleye: 10 daily, only 1 over 25 inches. Possession limit is twice the daily limit.
- Northern pike: No limit
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

Rationale: Walleye abundance is currently above management triggers as outlined in the Upper Missouri River Reservoirs Fisheries Management Plan. The higher densities have reduced growth rates, which has rendered the current 20 to 28 inch slot limit no longer effective at influencing the abundance or size structure of the walleye population. Eliminating the existing length restrictions for walleye should have the desired effect of reducing population abundance, while maintaining the size structure. As a secondary benefit, the length limit change for walleye (28 to 25 inches) is proposed to maintain consistency in length limit regulations within the reservoir system.

Pelican Point Pond (largest pond on Pelican Point FAS--near Cascade)

- Northern Pike: No Limit.

Rationale: Northern pike were illegally introduced into Pelican Point Pond #1, probably within the past 3-4 years. Pike abundance has increased substantially in 2013, and their continued presence and increase in numbers will threaten the existing family-friendly fishery of largemouth bass and yellow perch and the second tier of the fishery as well that includes trout. The no limit proposal will serve as a disincentive to those who conduct illegal stocking activities by using anglers to suppress pike numbers and thereby eliminate any sustained sport fishing opportunity.

Chairman Vermillion respectively suggested removing the Big Spring Creek portion of regulation change.

Action: *Commissioner Stuker moved and Commissioner Tourtlotte seconded that the Commission remove Big Spring Creek from the proposal and recommended the additional changes to the 2014 Central District fishing regulations and instruct FWP to solicit comments from the public.*

Chairman Vermillion asked for public comment.

Becky Dockter, Chief Legal Counsel explained the public comment portion on the change regulations.

John Kelley, President Walleyes Unlimited, explained there is not a day that you cannot catch perch on Canyon Ferry; enforcement could be an issue.

Mike Sedlock, Board Advisor Walleyes Unlimited, opposed to increasing walleye in Canyon Ferry; not doing enough for forage fish.

Action on Motion: *Motion Carried.*

Chairman Vermillion stated there has been a lot of concern about the bucket biology that has occurred in western Montana; would like the Department to bring this policy to the Commission in October for discussion.

14. 2013 Early Season Migratory Bird Regulations – Final

George Pauley, Wildlife Management Section Chief explained migratory bird seasons have direct federal oversight and coordination, and seasons must be set within federal frameworks. Mourning dove and common snipe have fixed season dates (September 1 - October 30 for doves; September 1 - December 16 for snipe) and fixed bag/possession limits from year to year, barring significant changes in dove population indices. No changes are proposed for the 2013 mourning dove and common snipe seasons. The Rocky Mountain Population (RMP) of sandhill cranes is annually monitored, with individual states' allowable harvest quotas based upon observed numbers and coordinated with the U.S. Fish and Wildlife Service (USFWS). RMP crane numbers were down considerably in the multi-state, coordinated survey in September 2012, so the allowable harvest for each state will be reduced. Montana's RMP harvest allocation will be reduced from 223 in 2012 to 144 in 2013. The Montana crane harvest has consistently been below allowable levels, with an estimate of 129 birds taken in 2012, compared to a harvest allocation of 223. FWP proposes maintaining 2012 permit numbers for the 2013 season. Numbers of permits and hunters have been kept low in some areas due to limited hunter access. The remainder of the Central Flyway is under frameworks for mid-continent sandhill cranes, for which the federal framework remains unchanged for 2013. The USFWS recently approved a change to allow possession limits to be three times the daily bag limit for all species that currently have a two times possession limit. Public comment period ended August 5; received nine comments, eight in support of the proposal. FWP proposes changing possession limits:

- FWP proposes no changes to either RMP or the mid-continent crane season for 2013 although season dates would change for both due to calendar progression, but with no change in season length.
- Season dates for RMP sandhill cranes; special drawn permits: September 7 - September 29.
- Season dates for mid-continent sandhill cranes: September 28 – November 24.
- Increase the mourning dove and common snipe possession limits to 45 and 24, respectively.

Action: *Commissioner Wolfe moved and Commissioner Stuker seconded that the Commission adopt the final 2013 early season migratory bird seasons as proposed by FWP.*

Action on Motion: Motion Carried.

15. 2013 Late Season Migratory Bird Regulations – Proposed

George Pauley, Wildlife Management Section Chief explained late season migratory bird hunting regulations pertain to ducks, geese, swans, and coots. Montana participates in both the Central and Pacific Flyways and adheres to the federal frameworks established by the FWS in cooperation with the flyway councils. Frameworks are based on population status from winter surveys for geese and May population and habitat surveys for ducks. Duck seasons use an adaptive harvest approach with three specific regulation packages; restrictive, moderate, liberal. Habitat conditions and population numbers are favorable to extent that liberal season frameworks are available for Montana to implement in 2013. A split season for Central Flyway geese was in effect last year. The proposal for Pacific Flyway ducks and geese for this year has a similar split, with the last Wednesday/Thursday closed to allow an additional weekend of hunting opportunity. The daily bag limit for white geese in the Pacific Flyway is proposed to increase from 10 to 20. Final federal frameworks allow a two-bird daily bag for canvasbacks in both Flyways. A moderate season framework with an 86 day season and a daily bag limit of 3 has been adopted for scaup in the Pacific Flyway, with a full-season 3 scaup daily bag limit in the Central Flyway. The FWS recently approved a change to allow possession limits to be three times the daily bag limit for all species that currently have a two times possession limit. Public comment period will run through August 26, with final adoption at the August 29 Commission meeting. Proposed changes:

Central Flyway

Youth Waterfowl Season: September 21-22 (2 days – limits below apply).

Duck, Coot and Tundra Swan (500 permits only) Season: September 28–January 2 (97 days).

- **Ducks:** Daily bag limit shall be 6 ducks or mergansers, possession limit 3 times daily limit. Daily bag limit shall not include more than 5 mallards, no more than 2 of which may be hens, 2 redheads, 3 scaup, 2 hooded mergansers, 3 wood ducks, 2 pintails, and 2 canvasback.
- **Coots:** 15 daily, possession limit 3 times the daily limit.

Goose Season: September 28-January 7 and January 10-12 (105 days); Closed January 8 and 9.

- **Geese:** Dark-5 daily, possession limit 3 times the daily limit.
White-20 daily, possession limit 3 times the daily limit.

Falconry: Ducks and coots: September 21-January 5; Geese: September 28-January 8 and January 11-12.

Pacific Flyway

Youth Waterfowl Season: September 21-22 (2 days – limits below apply).

Ducks and coots (excluding scaup): September 28-January 7 and January 10-12 (105 days); Closed January 8 and 9. Scaup: September 28-December 22.

Ducks: Daily bag limit shall be 7 ducks or mergansers, possession limit 3 times the daily limit. Daily bag limit shall not include more than 3 scaup, 2 hen mallards, 2 pintails, 2 redheads, and 2 canvasback.

Coots: 25 daily and in possession.

Goose season: September 28-January 7 and January 10-12 (105 days); Closed January 8 and 9.

- **Geese:** Dark-4 daily, possession limit 3 times the daily limit.
White-20 daily, possession limit 3 times the daily limit.

Swan (500 permits only) Season: October 12–December 1.

Falconry dates: Ducks, coots, and geese: September 28-January 7 and January 10-12; Closed January 8 and 9.

Action: Commissioner Tourtlotte moved and Commissioner Wetsit seconded to put out for comment on the Central Flyway Goose Season the following dates: September 28-January 5, close January 6-10 and reopen January 11-12; close January 13-17 and reopen January 18-20.

Chairman asked about establishing North and South split on the Central Flyway.

Pauley stated the Department would have to go to the FWS regulations committee to develop zones.

Chairman Vermillion stated it is worth it to start looking into it.

Commission Tourtlotte commented that the five goose limited provides a fair amount for hunting opportunity.

Commissioner Wolfe asked about the 500 permits for swans, asked how many are taken each year and if the permits from the federal framework.

Pauley stated he would get the information for Commissioner Wolfe after the break and stated the allocation for the permits are from the federal framework.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Carried.

Pauley explained after a break that the late season migratory bird regulations was adopted outside federal frameworks; limited to two season segments for everything except ducks in the Pacific Flyway.

Commissioner Tourtlotte withdrew his is prior motion.

Action: *Commission Tourtlotte moved and Chairman Vermillion seconded to put out for comment on the Central Flyway Goose and Pacific Flyway Duck and Goose season the following dates: September 28-January 5, close January 6-9 and reopen January 10-14.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion Carried.*

Pauley stated the only motion that was presented was the new split season proposal, the remainder of the proposal was not acted on.

Amended Motion: *Commission Tourtlotte moved and Chairman Vermillion seconded to put out for comment the Central Flyway Goose and Pacific Flyway Duck and Goose season the following dates: September 28-January 5, close January 6-9 and reopen January 10-14 and adopt the remainder of the proposed late season migratory regulations as presented by FWP.*

Chairman Vermillion asked for public comment.

Action on Amended Motion: *Motion Carried.*

16. 2013 Bison Quotas – Final

George Pauley, Wildlife Management Section Chief explained in 2007, Montana's bison season allowed for an adaptive response to significant bison movement out of Yellowstone National Park. The Standard Package included 18 either-sex licenses in HD 385 over three time periods; and 26 either-sex licenses in HD 395 for a total of 44 licenses. The Liberal Package could have added 100 additional cow/calf licenses to the hunting districts, if 60 or more bison were within a specific district. A second-choice drawing was used to develop lists of hunters who might receive cow/calf licenses. This season structure matched state-issued licenses with the same number of Tribal Treaty licenses split between the Nez Perce and CSKT, which were in addition to state-issued Tribal licenses. The 2007 bison season structure was again proposed and adopted for 2008. Each district had only one cow/calf list instead of a separate list for each time period. This season structure was adopted for 2009 and again for the 2010 season. The same framework was adopted in 2011 with the addition of archery and mandatory archery orientation, along with an expanded hunt area. The 2012 and 2013 season structure was finalized in February 2012. FWP proposes increasing the number of licenses offered in both bison hunting districts, during the last hunt in each district. This change is consistent with public comment advocating more opportunity. Licenses in 385-02 would be increased from 6 to 9, and licenses in 395-02 would be increased from 10 to 13. The overall Montana 2013 license quotas would be increased from 44 to 50 either-sex licenses (21 in HD 385 and 29 in HD 395); and 100 additional cow/calf licenses issued incrementally (54 in HD 385, 46 in HD 395), if conditions warrant. Of the 50 either-sex licenses, 16 go to Montana Tribes as per state law. The CSKT, Nez Perce, Umatilla, and Shoshone Tribes have asserted Treaty hunting rights, and stated intentions to hunt bison in the same areas outside Yellowstone National Park, but have not committed to any specific limit. The public comment ended July 22; received three comments that suggested higher quotas and raised concerns regarding tribal harvest.

Action: *Commissioner Stuker moved and Commissioner Tourtlotte seconded that the Commission adopt the final 2013 bison quotas as presented by FWP.*

Chairman Vermillion asked for public comment.

Chairman Vermillion asked if the Commission has the ability in December to raise the cow/calf license.

Dockter stated yes, as long as there is a clear understanding to the public and public comment is allowed.

Chairman Vermillion stated the public should be on notice that this opportunity could present itself.

Pauley stated the Department is bounded by the Bison EA; exploring options to appropriately revise the decision and change the season setting in EIS.

Commissioner Wolfe asked about the Tribal licenses.

McDonald explained the CSKT is the only Montana tribe that asserts treaty rights to hunt as well as two permits.

Director Hagener explained under treaty rights the tribe is only allowed to hunt on open and unclaimed lands; with permits, the tribe is allowed in the entire hunting district.

Commissioner Stuker asked if there is way to start the process sooner and how long does it take under the regulations.

Dockter stated there is an allowance for the Department to come to the Commission with a proposal as long as there is clear public notice and opportunity for public comment to make a proposal and a decision in one meeting.

Sam Sheppard explained the EA states there should only be 25 hunters on the landscape at a given time; the Department is looking into revising the EA.

Chairman Vermillion put the public on notice that this is a possibility in the future.

Action on Motion: Motion Carried.

17. 2013 Elk Harvest Prescriptions in Archery Elk Units – Final

George Pauley, Wildlife Management Section Chief explained in February 2008, the FWP Commission adopted new either-sex elk archery permit regulations in seven Missouri River Breaks hunting districts and 23 hunting districts outside the Breaks where either-sex rifle permits were already in place. Reasons included consistency, equity, management effectiveness and hunt quality. Public input was large and divided. During the 2010-2011 season setting process, this structure was maintained except in one hunting district (HD 441). While public comment was less divided than in 2008, public debate continued into the 2011 Legislature. FWP assembled two different working groups to review this topic. Prompted by continued debate and final recommendations of the second working group, the FWP Commission again modified elk archery regulations in the districts for the 2012 and 2013 hunting seasons. This increased either-sex elk archery permit levels, removed HDs 420 and 455 from the districts requiring permits and bundled all permits in the 21 districts outside the Breaks. The increased permits were aimed at an increase hunter access to cow elk to achieve management objectives. Reflecting the second working group's performance-based concept, the adoption included flexibility to modify regulations based on annual review of harvest relative to management objectives. This requires review and adoption of annual harvest prescriptions. The FWP Commission adopted prescriptions for the 2012 hunting season. Prescribed antlerless harvests were achieved in six hunting districts, portions of districts, or hunting district groups. Harvests were below prescription in the remaining 15 areas. FWP anticipated that objectives would not be met early on, and that additional efforts and adjustments would be required to achieve harvest prescriptions. The original intent was to start small and follow with incrementally larger steps. The original intent was to reach objectives over a six-year timeframe. In addition, FWP and the Commission may consider and propose season adjustments this fall to improve harvest in hunting districts that fail to meet prescriptions. Adjusted prescriptions for the 2013 hunting season are proposed. Enhanced efforts will be made to communicate any final harvest prescriptions prior to the hunting season. Post-season assessment of estimated harvest relative to these prescriptions would take place in May 2014 and would utilize winter population surveillance and harvest surveys. Public comment on the proposed prescriptions ran through July 22; received six varied comments.

Action: Commissioner Wetsit moved and Commissioner Wolfe seconded that the Commission adopt the final 2013 elk harvest prescriptions as presented by FWP.

Action on Motion: Motion Carried.

Chairman Vermillion stated in the near future a conversation should be instituted to discuss elk archery permit proposals for the new Commissions; very complex issue.

Pauley suggested having a work session.

18. Partial Assignment of Sourdough Creek Conservation Easement – Endorsement

Ken McDonald, Wildlife Administrator explained the Sourdough Creek Conservation Easement (CE) was donated to FWP in 1980 by Robert Seise and covers 230 acres in the foothills of the Gallatin Mountain Range south of Bozeman. In addition to habitat conservation, the CE provides for a parking area for the popular Mystic Lake trailhead. During recent years the Gallatin Valley Land Trust (GVLТ), Forest Service and Gallatin County have conducted significant improvements to the trailhead area to restore the Bozeman Creek floodplain and improve recreational access. As part of the parking-area development at the site, ownership of a 1.3-acre parcel covered by the CE was donated by the Sourdough Creek landowner to GVLТ. FWP now proposes to assign administration of the CE on this 1.3-acre parcel to GVLТ and in return donate the underlying land, and assign this portion of the easement, to the Forest Service. The purposes of this proposed action are: (1) to remove FWP from oversight of 1.3 acres of the Mystic Lake trailhead parking lot; (2) to facilitate the transfer of an additional five acres at the site from the Gallatin Valley Land Trust to the Forest Service; and (3) to provide for unified ownership and management of the trailhead area. The remaining 229 acres of the Sourdough Creek CE will continue to be administered by FWP for the purposes of habitat conservation and open-space preservation. The proposed action will have no effect on the management of this acreage. An EA was released on July 18 describing the proposed action and reviewing its environmental impacts. The EA does not identify any adverse consequences that would result from the proposed action. Public comments are due by August 16.

Kelly Pohl, Associate Director GVLТ explained the trailhead is a popular recreational access point in the Gallatin Region. Provides year-round access for skiing, biking, hiking, fishing and hunting as well as walking to Yellowstone National Park without crossing a road.

Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded that the Department complete its environmental assessment and decision-notice process for the proposed Partial Assignment of the Sourdough Creek Conservation Easement, and bring the results of that process back to the Commission for a final decision.

Action on Motion: Motion Carried.

19. Access Public Land Projects – Endorsement

Red Hill Access (R4)

Ken McDonald, Wildlife Administrator explained this is a high-use area for elk, mule deer, black bear, mountain grouse and turkey hunting opportunities and would secure access to Lewis and Clark National Forest lands in the Big Snowy Mountains. Elk are currently more than 400 percent above objective in the Snowy Elk Management Unit, mainly due to lack of hunting access. Adjacent private lands are currently outfitted and are at risk of purchase by others who may be unwilling to allow public access. Public access to this area of the national forest is limited to a few access points via BLM land along Red Hill Road further south. These access points do not provide adequate forest service access to the East Fork drainage due to steep topography south of this property. Due to land ownership along a county road and topography, this property provides the only feasible and currently available public hunting access into the East Fork drainage. The proposed action is to acquire a 40 acre parcel along Red Hill Road which will provide direct public access to U.S. Forest Service lands where none presently exists. This project has been initiated by the RMEF. Through their due diligence they have initiated discovery and have committed to a purchase option with the private landowner. The Rocky Mountain Elk Foundation would remain a primary partner on this project. The USFS, Canyon Ferry Trust, The Mule Deer Foundation and Wild Turkey Foundation are other potential partners. If no action is taken FWP would forego the opportunity to partner with the RMEF and purchase this access. No guarantee of reasonable public access to USFS lands could be offered.

Action: Commissioner Tourtlotte moved and Commissioner Stuker seconded that the FW Commission endorse the recommendation to begin negotiations for acquisition of a permanent public access to USFS lands in the Big Snowy Mountains.

Commissioner Wolfe asked if the strategy for the RMEF to finance this project and hold the property for undetermined period of time until there can be an appropriate take out by the State or the Forest Service.

Mike Mueller, RMEF Lands Program Manager explained last week the Board of Directors unanimously approved purchasing and holding this property. Value the partnership with the Department.

Chairman Vermillion thanked the RMEF on their leadership on this access project.

Action on Motion: Motion Carried.

Medicine Lodge ROW Easement (R3)

Ken McDonald, Wildlife Administrator explained FWP proposes to purchase two perpetual road easements across private land to provide public motorized access to land administered by the BLM and USFS in the Medicine Lodge drainage, southwest of Dillon. The proposed access easements are three segments of existing private roads, totaling 0.66 miles and were formerly open through the landowner and the Block Management Program. The landowner is willing to negotiate access easements with FWP. The access easements would be conveyed to the BLM, with a reversion clause to FWP in the event the BLM could no longer administer the easements. The access easements would provide significant opportunity for elk, mule deer and moose hunting as well as general recreation. The BLM initiated access easement negotiations with the landowner and sought partners in FWP and the Rocky Mountain Elk Foundation (RMEF) to complete the project. FWP agreed to make preliminary inquiries of local sporting organization regarding financial contributions to the project. Subsequent coordination and planning put FWP in the lead for securing the access easements. Public pressure to secure reliable hunting access to the Tendoy and Beaverhead Mountains has been steady since the access was diminished in 2012. Home to Hunt funding would be used.

Action: Commissioner Wolfe moved and Commissioner Stuker seconded that the Fish and Wildlife Commission endorse the recommendation to begin negotiations for public access road easements to provide public access to BLM and USFS lands in Beaverhead County.

Action on Motion: Motion Carried.

20. 2013 Furbearer Quota Changes and Trap Setback – Final

George Pauley, Wildlife Management Section Chief explained in June FWP proposed to setting the wolverine quotas to 0 and potentially coming back in October with quotas for the 2013-2014 wolverine season. Since that time, staff has been working with Fish and Wildlife Service (FWS) on the possibility of developing a conservation strategy that might preclude listing; FWS have asked for a six month extension on the final decision and as such the Department is proposing a closed season for 2013-2014. FWP Commission adopted the following proposed changes to 2013 furbearer harvest quotas and trap setbacks on June 5:

- Increase the bobcat quota in Trapping District 1 from 250 to 275.
- Reduce the bobcat quota in Trapping District 4 from 300 to 200.
- Increase the swift fox quota in a portion of Trapping District 6 from 20 to 30.
- Decrease the statewide wolverine quota from 5 to 0.
- Require a 300-foot setback for ground sets on public land on specific high recreational use trails.

In addition, FWP is proposing an area expansion of the special regulations currently in place for bobcat, marten, fisher and wolverine in portions of Trapping Districts 1 and 2 that are intended to avoid incidental lynx captures. The expansion would include the two federally designated critical lynx habitat areas in the state and additional occupied and potentially occupied lynx habitat on public lands in Trapping Districts 1, 2 and portions of 3, 4 and 5. Quota adjustments are in response to FWP reviews and analysis of species

information. The trap setback is intended to address interest by user groups for FWP to identify specific high public recreational use areas to reduce conflicts between trappers and recreationists with dogs. FWP proposes to further avoid incidental lynx captures in a larger area of the state to include both federally designated critical lynx habitat areas and additional occupied and potentially occupied public land lynx habitat. The public comment period for quota changes and trap setbacks ended on July 22. FWP received approximately 200 comments regarding quotas and 780 comments on the setback proposal. The expansion of special regulations was not part of this public comment period. Identified high use trails recommended for the 300-foot trap setback:

Region 1

Blacktail Nordic Trail
Big Fork Nordic Trail
Round Meadow Nordic Trail
Whitefish Legacy Trail
Eureka Rails to Trails

Region 3

Hyalite Area:

Lick Cr./Wildhorse #452
History Rock Loops #424
Blackmore Loops #423
Crescent Lake #213
West Shore #431
E. Fork Road/Pallisade #433
Grotto Falls #432
Moser/Buckskin Road Loop
Maxy Loop #62

Bozeman Face Trails:

Bozeman Cr./Moser winter trail #850/851
South Cottonwood winter trail #852
Bear Canyon winter trail #848

Gallatin Canyon:

Porcupine # 34
Beehive Basin Winter Trail #861

West Bridgers:

"M" trails #s 538, 511, 512, and 513 in Sec 27 T1S, R6E.
Sypes #531
Middle Cottonwood #586
Truman Gulch #535

Paradise Valley:

Mill Creek Trail #945
Suce Creek Trail #44

Action: Commissioner Vermillion moved and Commissioner Stuker seconded that the Commission adopt the 2013 furbearer quotas and expansion of special regulations for bobcat, marten, fisher, and wolverine as proposed by FWP and to include trail setbacks to 500 feet for ground sets on public land on specific high recreational use trails.

Commissioner Stuker asked if there were no trapping trails in the Missoula area.

Pauley explained the Bass Creek recreation area is closed to trapping; it was a collaborative effort between Montana Trappers Association, Forest Service and Region 2 staff. Region 2 staff is looking into more trails.

Commissioner Stuker asked if the Department has had conversation with the Department of Livestock (DOL) regarding setbacks; policies should be consistent between the two organizations.

Director Hagener stated discussions have been done and continue to do so, but no action has been taken.

Chairman Vermillion explained implementing a setback does not close the trails. Stated at the Havre meeting the Commission made it clear that setbacks of 300 feet was too small and wanted to be involved with the changes; Montana Trappers Association also thought the setback was too small. The Department needs to work with the Commission on this issue; not going away.

Chairman Vermillion asked for public comment.

Bill Stroud, Footloose Montana, asked why other high used trails have been excluded; proposal does not address all recreationalists.

KC York, Interim Director Footloose Montana, opposes regulations; injustice to public lands.

Chairman Vermillion stated the Department needs to look at other trails to be identified in Montana.

Commissioner Wolfe asked where the identified high use trails list came from.

Pauley stated the Regions identified the trails.

Chairman Vermillion feels the Department doesn't have good comprehension of how strongly people feel about this issue; need to be proactive and collaborate with the trappers in the future. Congratulated the Department on the lynx proposal; exactly what needs to be done.

Action on Motion: Motion Carried.

21. Elk Management Guidelines in Areas with Brucellosis 2013 Summary and 2014 Work Plan – Proposed

Quentin Kujala, Wildlife Management Section Chief explained in January 2013, the FWP Commission endorsed elk management recommendations from a citizen working group for application in areas with brucellosis. The Commission also endorsed a 2013 work plan in February and scheduled a review of efforts and review for August 8. The 2013 work plan included hazing, fencing and dispersal hunts as management actions available for implementation. While recommendations included the incorporation of local working groups, that component has not been successfully identified in all areas despite FWP efforts to do so. The 2014 proposed work plan has been assembled by FWP with input from the statewide working group that met in Bozeman on July 11 to review efforts to date. That meeting was open to the public and included a public comment period. The plan offers several clarifications based upon 2013 experiences and expands upon the 2013 work efforts to include a renewed emphasis on local working groups and education/outreach. Specific management actions would be available for implementation after public review and comment and final adoption in October 2013. Any work plans developed by local working groups may be proposed in addition or as a replacement to this plan.

Dr. Jennifer Ramsey, FWP Veterinarian gave a PowerPoint explaining brucellosis.

Dr. Eric Liska, DOL Veterinarian gave a PowerPoint explaining Montana's Brucellosis Program.

Dr. Liska and Commissioners had a lengthy discussion on brucellosis.

Kujala explained the 2013 work plan took place in February; included two disbursement hunts, fencing and hazing. Explained the details and fundamentals of the proposed work plan.

Chairman Vermillion stated the 2014 plan should not propose the working group as the primary decision maker; the local working groups will be the primary focus for developing the response for a site specific region.

Chairman Vermillion and Kujala had a discussion on statutes.

Commissioner Wolfe asked when the statewide working group was formed and what the desired number of working groups is.

Kujala stated conversations started in January 2012; no specific number has been identified.

Commissioner Wolfe asked how many animals were taken as a result of disbursement hunts and kill permits.

Kujala stated Region 3-7 elk and Region 5-5 elk were taken via disbursement hunts and no elk with kill permits.

Action: Commissioner Wetsit moved and Commissioner Stuker seconded that the Commission adopt the proposed 2014 annual work plan for elk management in areas with brucellosis as proposed by FWP.

Chairman Vermillion asked for public comment.

Mark Albrecht, Working Group Member asked to delay voting on the work plan; priorities are wrong; have to figure out how to get working groups in place; Commission cannot eradicate brucellosis, just minimize.

Glenn Monahan, Gallatin Wildlife Association, a lot of problems with proposal; lacks public involvement; hunting districts below objective; opposes proposal.

Nancy Schultz stated proposed work plan takes the Commission out of the process; opposes proposal.

Glen Hockett, Gallatin Wildlife Association, supports FWP with the land owners but concerned about how it is achieved; disrupts public process; very concerned about elk harvest after February 15; opposes proposal.

Kathryn QannaYahu, requests to reject draft proposal; needs more specifics; where is the science; need diversity of all stake holders.

Nick Gevok, Montana Wildlife Foundation, stated eliminating and eradicating is impossible; local working groups need to be formed disbursement hunts just be the last resort.

Jay Bodner Montana Livestock Association, good first step; willing to help form the working groups.

Chairman Vermillion stated developing local working group concept was a key component of this plan; important to get the groups formed.

Action on Motion: Motion Carried.

22. 2013 Confederated Salish and Kootenai Tribes Upland Game Bird Regulations – Endorsement

George Pauley Wildlife Management Section Chief explained the CSKT and the State of Montana have entered into a positive, cooperative management agreement on the Flathead Reservation that provides for presentation of Tribal season-setting products to the FW Commission. Regional FWP staff is included in the development of Tribal upland game bird regulations. Tribal recommendations are first presented to the Flathead Reservation Fish and Wildlife Board. The board votes on tentative proposals and opens them to general public review and comment; the board then meets for final adoption. Adopted final proposals are then presented to the CSKT Council. FW Commission endorsement is subject to final Tribal Council approval. Other than text style, format and/or presentation, the significant differences between these Tribal regulations and the current FWP upland bird regulations are:

- Tribal shooting hours being sunrise to sunset for all game birds;
- A requirement that only non-toxic shot be used for all game birds on the Flathead Indian Reservation.

Action: *Commissioner Wolfe moved and Commissioner Vermillion seconded that the Commission endorse the Confederated Salish and Kootenai Tribes upland game bird regulations as presented and as approved by the Tribal Council. Motion Carried.*

23. Public Comment – For Issues Not On This Agenda

Chairman Vermillion asked for public comment.

Action: *Commissioner Stuker motioned and Commissioner Stuker seconded to adjourn the meeting. Motion Carried.*

The meeting adjourned at 2:53 p.m.

Dan Vermillion, Chairman

M. Jeff Hagener, Director

